

NEWS RELEASE



OFFICE OF THE UNITED STATES ATTORNEY SOUTHERN DISTRICT OF CALIFORNIA

San Diego, California

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For Immediate Release

NEWS RELEASE SUMMARY - May 16, 2007

United States Attorney Karen P. Hewitt announced that Jose Torres-Rodriguez was sentenced today in U.S. District Court in San Diego by the Honorable William Q. Hayes to serve five years and three months in prison, followed by three years of supervised release in an alien-smuggling case that resulted in serious injuries to one Border Patrol agent and at least one smuggled alien.

According to Assistant U.S. Attorney Andrew G. Schopler who prosecuted the case, on July 30, 2006 Torres drove a blue van containing 23 illegal aliens from Mexico into the United States through the U.S. Customs Service commercial lot, near the Otay Mesa, California, Port of Entry, without stopping for inspection. Upon fleeing the customs lot, Torres and the smuggled aliens abandoned the blue van and boarded a waiting white Chevy van. After the smuggled aliens got into the white van's metal-encased cargo area, which had no seats or seatbelts, Torres drove it northbound on Otay Mesa Center Court.

Testimony at the sentencing hearing established that when Torres-Rodriguez reached the intersection of Highway 905, he drove through a red traffic light and, coincidentally, drove directly in front of Border Patrol Agent Joseph D. Hernandez, who was driving eastbound on Highway 905 in a marked U.S. Border

Patrol service vehicle. As eastbound traffic came to an abrupt halt to avoid collision, Torres sped away in the westbound lane. Agent Hernandez activated his emergency lights and followed, with other Border Patrol agents joining the pursuit soon thereafter.

Torres continued to drive erratically through a stop sign at the intersection of Old Otay Mesa Road and Alta Road, and slowed down abruptly as the road turned to dirt. After Agent Hernandez pulled up to the driver's side of the white van, Torres swerved left, ramming the right front quarter panel of Agent Hernandez' vehicle. Torres then turned south on a dirt road known as Pole Line Road, which leads to the international boundary fence. He next headed down a dirt road that runs parallel to the international boundary fence and steered the van directly into the international boundary fence, cutting off Agent Hernandez' vehicle and forcing him to crash into the fence. Agent Hernandez suffered injuries to his left shoulder during the ramming of his vehicle and the subsequent crash into the border fence.

About 10 yards before colliding with the border fence, Torres jumped out of the moving van and landed on the ground, resulting in a severely fractured left ankle and partially amputated foot. The still-moving van crashed into the border fence, with the 23 smuggled aliens—including a 10-year-old child—still trapped in the metal cargo hold. During the impact, one of the smuggled aliens fractured her left arm.

Despite his injuries, Agent Hernandez, who is a trained Emergency Medical Technician, assisted in Torres' initial medical treatment, and obtained the assistance of a life-flight medical helicopter to transport Torres to Sharp Hospital in Chula Vista, California.

In imposing sentence, Judge Hayes noted that Torres had been convicted of alien-smuggling under strikingly similar circumstances in 1988, for which he received a 30-month sentence. In that case, Torres had driven a van containing 21 illegal aliens, while attempting to avoid apprehension by speeding, driving against oncoming traffic and throwing rocks and chunks of concrete at pursuing Border Patrol agents.

United States Attorney Hewitt stated, "We will continue to do everything in our power to stop these reckless traffickers in human cargo who needlessly place in peril the smuggled aliens, our law enforcement agents, and our entire community."

DEFENDANT**Criminal Case Number: 06CR1846-WQH**

Jose Torres-Rodriguez

SUMMARY OF CHARGES

Title 8, United States Code, Section 1324(a)(2)(B)(ii) and 18 U.S.C. § 2 — Bringing in an Illegal Alien for Financial Gain.

AGENCY

U.S. Border Patrol